

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	EDCV 09-1943-VAP (JEM)	Date	February 22, 2012
Title	DAVID L. WINE v. J. HALTERMAN, et al.		

Present: The Honorable	John E. McDermott, United States Magistrate Judge
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S. Anthony

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE:
DISMISSAL FOR FAILURE TO PROSECUTE**

Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983, in which he seeks to recover damages for injuries he allegedly sustained during an altercation with Defendants.

Defendants have served discovery on Plaintiff, which Plaintiff has failed to answer. On October 31, 2011, Defendants filed a motion to compel discovery responses. After Plaintiff failed to file an opposition, the Court *sua sponte* granted an extension of the opposition filing deadline. Notwithstanding this extension, Plaintiff did not file an opposition to the motion to compel. On January 3, 2012, the Court issued an Order Re: Motion to Compel Answers to Special Interrogatories (Set One) and Answers to Request for Production of Documents (Set One) ("Order"), in which Plaintiff was ordered to serve discovery responses within thirty (30) days. Plaintiff failed to comply with the Order, and did not respond to the discovery.

On February 17, 2012, Defendants filed a Request for Dismissal for Failure to Prosecute Pursuant to Fed. R. Civ. P. 41(b) ("Request"). Defendants argue that this case should be dismissed because Plaintiff has failed to respond to discovery and has failed to comply with the Order.

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Plaintiff is **ORDERED TO SHOW CAUSE** why this case should not be dismissed for failure to prosecute and failure to comply with a Court order. Plaintiff shall file a written response to this Order to Show Cause no later than **March 7, 2012**. Plaintiff's failure to respond in writing to the Order to Show Cause by the deadline shall result in a recommendation that this action be dismissed for failure to prosecute and failure to comply with a Court order.

If Plaintiff files a response to the Order to Show Cause, Defendants may file a reply within 7 days of Plaintiff's filing.

No extensions of these deadlines will be granted absent extraordinary circumstances.

IT IS SO ORDERED.

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